

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 218
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government, April 8, 2003, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 218 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

0811L.10C

AN ACT

To repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed by municipalities to repair lateral sewer service lines.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 249.422, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 249.422, to read as follows:

249.422. 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on **or connecting** residential property having six or less dwelling units a fee not to exceed [twenty-eight] **fifty** dollars per year. **Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, RSMo, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

15 fee charged pursuant to this chapter, and in addition, any condominium unit shall, if
16 determined to be responsible for and served by its own individual lateral sewer line, be
17 treated as an individual residence regardless of the number of units in the development.
18 It shall be the responsibility of the condominium owner or condominium association who
19 are of the opinion that they are not properly classified as provided in this section to notify
20 the county office administering the program. Where an existing sewer lateral program was
21 in effect prior to the effective date of this act, condominium and apartment units not
22 previously enrolled may be ineligible for enrollment if it is determined that the sewer
23 lateral serving the unit is defective.

24 2. The question shall be submitted in substantially the following form:

25 Shall a [maximum] charge [of seven] **not to exceed fifty** dollars be assessed [quarterly]
26 **annually** on [all] residential property [having] **for each lateral sewer service line serving six**
27 **or less dwelling units on that property and condominiums that have six or less condominium**
28 **units per building and any condominium responsible for its own individual lateral sewer**
29 **line** to provide funds to pay the cost of certain repairs of [defective] **those** lateral sewer service
30 lines [of those dwelling units] **which may be billed quarterly or annually?**

31 ☐ YES ☐ NO

32
33 3. If a majority of the voters voting thereon approve the proposal provided for in
34 subsection 2 of this section, the governing body of the city, town, village or county may enact
35 an ordinance for the collection and administration of such fee in order to protect the public
36 health, welfare, peace and safety. The funds collected pursuant to such ordinance shall be
37 deposited in a special account to be used solely for the purpose of paying for all or a portion of
38 the costs reasonably associated with and necessary to administer and carry out the defective
39 lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to
40 the special account established for the repair of lateral sewer service lines.